S.B.Civil Writ Petition No.20/2005

Hakam Ali vs. State & ors.

Date of Order: 10.1.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr. N.L. Joshi, for the petitioner.

Mr. N.M. Lodha, Additional Advocate General along with Mr. Shyam Tosniwal for the respondents.

...

Heard learned counsel for the parties.

By this writ petition, the petitioner is seeking quashing of reservation list (Annx.3) by which the seat of Pradhan, Panchayat Samiti, Anoopgarh has been reserved for the members of Scheduled Castes. According to the petitioner, in the election of 1994, a seat of Anoopgarh was reserved for candidate of member of Schedule Caste. For the election of 1999, the seat of Anoopgarh was reserved for the woman of general candidate and now for the election to be held in the year 2005, the seat of Anoopgarh has been reserved for candidate of member of Scheduled Caste. According to the petitioner, the respondents have not followed the procedure prescribed by Rule 7 of the Rajasthan Panchayati Raj (Election) Rules, 1994.

The learned Addl.Advocate General submitted reply to the writ petition and placed on record Annx.R/1 and R/2 and submitted that in the year 1994-95, three Panchayat Samitis were kept reserved for Scheduled Castes, namely, Srikaranpur, Anoopgarh and Raisinghnagar. For the election of 2000 next three Panchayat Samitis were declared reserved for the Scheduled Castes,namely, Sriganganagar, Padampur and Sardulshahar. One Panchayat Samiti Sooratgarh remained left out after the two elections, therefore, the same has been declared reserved for the year 2005. With this, the list has been exhausted and new rotation for reservation of the seats started and, therefore, the turn of Anoopgarh came for consideration and reservation for the candidate of member of Schedule Caste.

In view of the facts mentioned in the reply, it appears that the respondents rightly followed the procedure and there appears to be no illegality as the learned counsel for the petitioner could not point out any fault in the procedure adopted by the respondents and made clear in the reply.

Hence the writ petition of the petitioner is dismissed.

(PRAKASH TATIA),J